

Testimony from:

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I do not now, nor have I ever owned a gun. That said, I absolutely do not take issue with responsible and reasonable gun ownership. I come from a family of sportsmen and gun enthusiasts and through them I've witnessed what it is to handle firearms with respect – especially with respect for the consequences that mishandling and neglect can bring.

During the past year I've had the privilege of meeting face to face with gun violence victims and many families and friends of victims. Hearing their stories through the media is heartbreaking – meeting them, looking into their sad eyes and hearing their stories first hand has truly changed my life and left a hole in my heart.

Many examples of tragedies that could have been avoided through simple background checks, record sharing and the enforcement of compliance are readily available.

One very poignant event occurred in 2007. Seung-Hui Cho killed 32 people and injured 15 more before committing suicide at Virginia Tech. Cho had been declared a danger to himself by a Virginia court due to mental illness, and had been committed for psychiatric care. He should have been blocked from passing a background check when purchasing the two semiautomatic firearms he used in his rampage – but his record was not in the system because the Virginia court failed to forward Cho's records to the NICS database.

Since this tragedy, Virginia amended its laws to improve record reporting to the National Instant Criminal Background Check System (NICS) and is now one of the best performing states in terms of submitting disqualifying mental health records to NICS. Today in Virginia, Seung-Hui Cho would no longer be able to obtain firearms the way he did in 2007.

Mental health records submitted to NICS are kept safely and in a manner that protects patient safety. These records may only be disclosed for background checks and NICS purposes. We can't see into the future, but we can make simple changes in our laws that will make a difference. We can and should do a better job of preventing unnecessary tragedies from happening in Montana.

02/13/2014

Law and Justice Meeting  
February 13 , 2014

Exhibit 12



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To whom it may concern-

I am a case manager in Missoula, MT and I work with clients with disabilities: mental, physical and often with poly substance issues. It is my sole professional opinion (and not that of my organization) that requiring a mental health background check for gun purchases would not hinder those who suffer from a mental disability (who are deemed as a non threat) from having the ability to own firearms but protect and prevent future tragedies from occurring.

First, no individual should be punished or restricted because they chose to seek help for their mental disability. An individual seeking help for their disability shows that they are actively trying to combat the symptoms of mental illness which should be taken into consideration when evaluative measures are used to determine gun right eligibility. Such action by a individual seeking help should be seen as positive and NOT a reason to restrict their 2nd Amendment right!

Secondly, if a individual has had a history of violent behavior or a mental health professional deems that an individual is a risk to harm or safety of the general public those records should be made available and required prior to registration of a firearm to prevent the potential for a tragedy such as Virginia Tech from happening. Making vital public safety records available and required prior to gun ownership could greatly reduce the chance of a similar tragedy from happening in OUR community!

It is my hope that the NICS and the state can come together and make a evaluative tool to aid 'smart sense' decision making process and NOT used as a sole determination to restrict gun ownership. As many of the issues of the world are not black and white I hope that the issue of gun ownership and mental health are not viewed or treated in the same manner. Thank you.

Sincerely and respectfully,

Jake Lapke  
3 Rivers Mental Health Solutions

February 12, 2014

TO: Law and Justice Committee

FR: Bob Waters, Bozeman Resident

RE: Fatal Gap in National Instant Criminal Background Check System (NICS)

When adequate information is available, the NICS has been quite effective in preventing guns from falling into the hands of the wrong people, but its effectiveness is hamstrung by the woeful inadequacy of state-provided information concerning persons prohibited by federal law, particularly those persons with a prohibiting mental health history, from possessing or receiving firearms. Montana is among those states that is remiss in its duty to protect citizens by doing its part to prevent guns from being sold to dangerous persons.

After the Virginia Tech massacre in 2007, there was a dramatic increase in the number of prohibiting mental health submissions to the NICS, but these submissions were and continue to be from a handful of states, and, sadly, Montana did not number among those states that began acting responsibly in the wake of that tragedy. As there appears to be no legal prohibition under the HIPAA (Health Insurance Portability and Accountability Act) Privacy Rule that would prevent mental health facilities from disclosing relevant information to the NICS, lets get on board with the most responsible and responsive states in order to protect Montanans and